March 28, 2001

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, SW
Washington, DC 20554

RE: Exparte Communication in CS Docket 95-184

Dear Secretary Salas:

On Tuesday, March 27, 2001, the undersigned had a telephone conversation with Ms. Royce Dickens of the FCC Cable Services Bureau regarding the status of CS Docket 95-184. I also described several forces at work in the delivery of video, DBS, High Speed Data transport and telephony by Private Communications Operators (PCOs), including the following:

1. Due to the lack of investment capital liquidity most communications companies are presently limited in their ability to generate debt or equity financing. This is constraining the ability of PCOs to raise the front-end money necessary to build out MDU properties. A catalyst in demand and financial stimulus would break the impasse and begin again the cycle of investment-build outs-acquisition of equipment-employment-et cetera.

2. The FCC MDU Inside Wiring Rules could be a dramatic influence to stimulate PCO viability to compete against incumbent providers. Unfortunately, the current rules are seriously flawed. If improvements were made they would benefit the end user, the MDU resident, which would serve to be a positive influence generating more competition.
3. Mandatory Access bills have been introduced in several states during the opening weeks of the new legislative sessions. As the

Independent Multi-Family Communications Council
3004 Oregon Knolls Drive, NW ▪ Washington, DC 20015
E-Mail: imcc@imcc-online.org ▪ Web Site: www.imcc-online.org
PH: 202.364.0882 ▪ FX: 202.364.8309

FCC has said in past, these laws are anti-competitive in most situations. Regardless, the franchised cable companies and the RBOCs pursue them to further entrench their monopolies and prevent meaningful competition from PCOs in MDUs.

A prudently written R & O in this docket would make a dramatic difference in the future of MDU communications competition. Perpetual contract "fresh look" would serve to open up hundreds of thousands of units for competitive service between the incumbent and alternative providers. This would require franchised cable to provide better products and services or risk losing the service contract to a PCO because the MDU owner would finally have the ability to change providers.

A positive influence would also be produced if the Inside Wiring Rules are amended and numerous loopholes and other flaws are filled and corrected.

The FCC can do nothing directly to influence the availability of financing. However, adoption of a prudent R&O would provide meaningful stimulation to this market segment. This would provide important indications to investors that this market is an attractive investment option because the barriers to compete encountered by PCOs are being addressed by the FCC.

Further delay in the adoption of an R&O, after some three and one half years of staff consideration, will only worsen the situation described above. If that occurs the FCC will have squandered an opportunity and failed to fulfill a statutory responsibility to stimulate competition in the delivery of communications products and services in the numerous MDU environments.

IMCC urges your prompt attention to CS 95-184.

Sincerely,

William J. Burhop

Executive Director